



Rep. John E. Bradley

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LRB095 17514 MJR 50543 a

1 AMENDMENT TO HOUSE BILL 5576

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5576, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Public Utilities Act is amended by changing  
6 Section 16-125 as follows:

7 (220 ILCS 5/16-125)

8 Sec. 16-125. Transmission and distribution reliability  
9 requirements.

10 (a) To assure the reliable delivery of electricity to all  
11 customers in this State and the effective implementation of the  
12 provisions of this Article, the Commission shall, within 180  
13 days of the effective date of this Article, adopt rules and  
14 regulations for assessing and assuring the reliability of the  
15 transmission and distribution systems and facilities that are  
16 under the Commission's jurisdiction.

1           (b) These rules and regulations shall require each electric  
2 utility or alternative retail electric supplier owning,  
3 controlling, or operating transmission and distribution  
4 facilities and equipment subject to the Commission's  
5 jurisdiction, referred to in this Section as "jurisdictional  
6 entities", to adopt and implement procedures for restoring  
7 transmission and distribution services to customers after  
8 transmission or distribution outages on a nondiscriminatory  
9 basis without regard to whether a customer has chosen the  
10 electric utility, an affiliate of the electric utility, or  
11 another entity as its provider of electric power and energy.  
12 These rules and regulations shall also, at a minimum,  
13 specifically require each jurisdictional entity to submit  
14 annually to the Commission.

15           (1) the number and duration of planned and unplanned  
16 outages during the prior year and their impacts on  
17 customers;

18           (2) outages that were controllable and outages that  
19 were exacerbated in scope or duration by the condition of  
20 facilities, equipment or premises or by the actions or  
21 inactions of operating personnel or agents;

22           (3) customer service interruptions that were due  
23 solely to the actions or inactions of an alternative retail  
24 electric supplier or a public utility in supplying power or  
25 energy;

26           (4) a detailed report of the age, current condition,

1 reliability and performance of the jurisdictional entity's  
2 existing transmission and distribution facilities, which  
3 shall include, without limitation, the following data:

4 (i) a summary of the jurisdictional entity's  
5 outages and voltage variances reportable under the  
6 Commission's rules;

7 (ii) the jurisdictional entity's expenditures for  
8 transmission construction and maintenance, the ratio  
9 of those expenditures to the jurisdictional entity's  
10 transmission investment, and the average remaining  
11 depreciation lives of the entity's transmission  
12 facilities, expressed as a percentage of total  
13 depreciation lives;

14 (iii) the jurisdictional entity's expenditures for  
15 distribution construction and maintenance, the ratio  
16 of those expenditures to the jurisdictional entity's  
17 distribution investment, and the average remaining  
18 depreciation lives of the entity's distribution  
19 facilities, expressed as a percentage of total  
20 depreciation lives;

21 (iv) a customer satisfaction survey covering,  
22 among other areas identified in Commission rules,  
23 reliability, customer service, and understandability  
24 of the jurisdictional entity's services and prices;  
25 and

26 (v) the corresponding information, in the same

1 format, for the previous 3 years, if available;

2 (5) a plan for future investment and reliability  
3 improvements for the jurisdictional entity's transmission  
4 and distribution facilities that will ensure continued  
5 reliable delivery of energy to customers and provide the  
6 delivery reliability needed for fair and open competition;  
7 and

8 (6) a report of the jurisdictional entity's  
9 implementation of its plan filed pursuant to subparagraph  
10 (5) for the previous reporting period.

11 (c) The Commission rules shall set forth the criteria that  
12 will be used to assess each jurisdictional entity's annual  
13 report and evaluate its reliability performance. Such criteria  
14 must take into account, at a minimum: the items required to be  
15 reported in subsection (b); the relevant characteristics of the  
16 area served; the age and condition of the system's equipment  
17 and facilities; good engineering practices; the costs of  
18 potential actions; and the benefits of avoiding the risks of  
19 service disruption.

20 (d) At least every 3 years, beginning in the year the  
21 Commission issues the rules required by subsection (a) or the  
22 following year if the rules are issued after June 1, the  
23 Commission shall assess the annual report of each  
24 jurisdictional entity and evaluate its reliability  
25 performance. The Commission's evaluation shall include  
26 specific identification of, and recommendations concerning,

1 any potential reliability problems that it has identified as a  
2 result of its evaluation.

3 (e) In the event that more than either (i) 30,000 of the  
4 total customers or (ii) 0.8% of the total customers, whichever  
5 is less, of an electric utility are subjected to a continuous  
6 power interruption of 4 hours or more that results in the  
7 transmission of power at less than 50% of the standard voltage,  
8 or that results in the total loss of power transmission, the  
9 utility shall be responsible for compensating customers  
10 affected by that interruption for 4 hours or more for all  
11 actual damages, which shall not include consequential damages,  
12 suffered as a result of the power interruption. The utility  
13 shall also reimburse the affected municipality, county, or  
14 other unit of local government in which the power interruption  
15 has taken place for all emergency and contingency expenses  
16 incurred by the unit of local government as a result of the  
17 interruption. A waiver of the requirements of this subsection  
18 may be granted by the Commission in instances in which the  
19 utility can show that the power interruption was a result of  
20 any one or more of the following causes:

21 (1) Unpreventable damage due to weather events or  
22 conditions.

23 (2) Customer tampering.

24 (3) Unpreventable damage due to civil or international  
25 unrest or animals.

26 (4) Damage to utility equipment or other actions by a

1 party other than the utility, its employees, agents, or  
2 contractors.

3 Loss of revenue and expenses incurred in complying with this  
4 subsection may not be recovered from ratepayers.

5 (f) In the event of a power surge or other fluctuation that  
6 causes damage and affects more than either (i) 30,000 of the  
7 total customers or (ii) 0.8% of the total customers, whichever  
8 is less, the electric utility shall pay to affected customers  
9 the replacement value of all goods damaged as a result of the  
10 power surge or other fluctuation unless the utility can show  
11 that the power surge or other fluctuation was due to one or  
12 more of the following causes:

13 (1) Unpreventable damage due to weather events or  
14 conditions.

15 (2) Customer tampering.

16 (3) Unpreventable damage due to civil or international  
17 unrest or animals.

18 (4) Damage to utility equipment or other actions by a  
19 party other than the utility, its employees, agents, or  
20 contractors.

21 Loss of revenue and expenses incurred in complying with this  
22 subsection may not be recovered from ratepayers. Customers with  
23 respect to whom a waiver has been granted by the Commission  
24 pursuant to subparagraphs (1)-(4) of subsections (e) and (f)  
25 shall not count toward the either (i) 30,000 of the total  
26 customers or (ii) 0.8% of the total customers required therein.

1 (g) Whenever an electric utility must perform planned or  
2 routine maintenance or repairs on its equipment that will  
3 result in transmission of power at less than 50% of the  
4 standard voltage, loss of power, or power fluctuation (as  
5 defined in subsection (f)), the utility shall make reasonable  
6 efforts to notify potentially affected customers no less than  
7 24 hours in advance of performance of the repairs or  
8 maintenance.

9 (h) Remedies provided for under this Section may be sought  
10 exclusively through the Illinois Commerce Commission as  
11 provided under Section 10-109 of this Act. Damages awarded  
12 under this Section for a power interruption shall be limited to  
13 actual damages, which shall not include consequential damages,  
14 and litigation costs. A utility's request for a waiver of this  
15 Section shall be timely if filed no later than 30 days after  
16 the date on which a claim is filed with the Commission seeking  
17 damages or expense reimbursement under this Section. No utility  
18 shall be liable under this Section while a request for waiver  
19 is pending. Damage awards may not be paid out of utility rate  
20 funds.

21 (i) The provisions of this Section shall not in any way  
22 diminish or replace other civil or administrative remedies  
23 available to a customer or a class of customers.

24 (j) The Commission shall by rule require an electric  
25 utility to maintain service records detailing information on  
26 each instance of transmission of power at less than 50% of the

1 standard voltage, loss of power, or power fluctuation (as  
2 defined in subsection (f)), that affects 10 or more customers.  
3 Occurrences that are momentary shall not be required to be  
4 recorded or reported. The service record shall include, for  
5 each occurrence, the following information:

6 (1) The date.

7 (2) The time of occurrence.

8 (3) The duration of the incident.

9 (4) The number of customers affected.

10 (5) A description of the cause.

11 (6) The geographic area affected.

12 (7) The specific equipment involved in the fluctuation  
13 or interruption.

14 (8) A description of measures taken to restore service.

15 (9) A description of measures taken to remedy the cause  
16 of the power interruption or fluctuation.

17 (10) A description of measures taken to prevent future  
18 occurrence.

19 (11) The amount of remuneration, if any, paid to  
20 affected customers.

21 (12) A statement of whether the fixed charge was waived  
22 for affected customers.

23 Copies of the records containing this information shall be  
24 available for public inspection at the utility's offices, and  
25 copies thereof may be obtained upon payment of a fee not  
26 exceeding the reasonable cost of reproduction. A copy of each

1 record shall be filed with the Commission and shall be  
2 available for public inspection. Copies of the records may be  
3 obtained upon payment of a fee not exceeding the reasonable  
4 cost of reproduction.

5 (k) The requirements of subsections (e) through (j) of this  
6 Section shall apply only to an electric public utility having  
7 100,000 ~~1,000,000~~ or more customers.

8 (l) Notwithstanding any other rulemaking authority that  
9 may exist, neither the Governor nor any agency or agency head  
10 under the jurisdiction of the Governor has any authority to  
11 make or promulgate rules to implement or enforce the provisions  
12 of this amendatory Act of the 95th General Assembly. If,  
13 however, the Governor believes that rules are necessary to  
14 implement or enforce the provisions of this amendatory Act of  
15 the 95th General Assembly, the Governor may suggest rules to  
16 the General Assembly by filing them with the Clerk of the House  
17 and the Secretary of the Senate and by requesting that the  
18 General Assembly authorize such rulemaking by law, enact those  
19 suggested rules into law, or take any other appropriate action  
20 in the General Assembly's discretion. Nothing contained in this  
21 amendatory Act of the 95th General Assembly shall be  
22 interpreted to grant rulemaking authority under any other  
23 Illinois statute where such authority is not otherwise  
24 explicitly given. For the purposes of this amendatory Act of  
25 the 95th General Assembly, "rules" is given the meaning  
26 contained in Section 1-70 of the Illinois Administrative

1 Procedure Act, and "agency" and "agency head" are given the  
2 meanings contained in Sections 1-20 and 1-25 of the Illinois  
3 Administrative Procedure Act to the extent that such  
4 definitions apply to agencies or agency heads under the  
5 jurisdiction of the Governor.

6 (Source: P.A. 90-561, eff. 12-16-97.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.".